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President: Ms. Al-Khalifa ..... (Bahrain)

The meeting was called to order at 3.10 p.m.

Agenda item 74 (*continued*)

Report of the International Criminal Court

Note by the Secretary-General (A/61/217)

Mr. Maqungo (South Africa): I have the honour to speak on behalf of the African States parties to the Statute of the International Criminal Court (ICC). We wish to convey our gratitude to the President of the International Criminal Court, Judge Kirsch, for his statement to the General Assembly (see A/61/PV.26). We welcome the note by the Secretary-General transmitting the report of the International Criminal Court (A/61/217), which elucidates developments at the ICC since the Assembly last discussed this item. We take this opportunity to congratulate Saint Kitts and Nevis and the Comoros for their ratification of the Statute of the International Criminal Court and encourage other States to take a stand against impunity by ratifying the Court's Statute.

The 28 African States that have ratified the International Criminal Court Statute continue to be fully supportive of the work of the Court. We, as developing countries, are acutely aware of the importance of strengthening multilateralism and, by extension, multilateral institutions, such as the International Criminal Court, as a means to advance our common goals. The International Criminal Court has already in its short existence proved that it plays an indispensable role in the multilateral arena in ensuring respect for the rule of law and contributing to the end of impunity for the most serious international crimes, such as genocide, crimes against humanity and war crimes. We welcome the cooperation extended by the International Criminal Court to the Special Court for Sierra Leone with regard to the trial of Mr. Charles Taylor. We commit ourselves to continue to ensure that the International Criminal Court has the resources to carry out its responsibility by doing our best to pay our assessed contributions on time and in full and generally to cooperate with the Court.

The horrors of crimes against humanity committed in the former Yugoslavia and in Sierra Leone and the genocide committed in Rwanda brought to the fore the sad fact that sometimes national justice systems are just not enough to deter or prosecute crimes that are of the greatest seriousness to the international community. Therefore, there is a need for the international community to augment those national justice systems when they are unable or unwilling to act.

Consequently, ad hoc tribunals were established to address the need for justice arising from the international crimes committed in the former Yugoslavia, in Rwanda and in Sierra Leone respectively. The establishment of the ad hoc tribunals taught us, however, that their use was limited to enforcing retributive justice and that they did little to deter the commission of crimes.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A. Corrections will be issued after the end of the session in a consolidated corrigendum.

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It was a basis of those lessons that the International Criminal Court was then established so that it might serve as both a deterrent and a means of ending impunity. We take this opportunity to again encourage the Court to make the necessary plans for holding hearings in the area where the crimes were committed, as this would enhance the deterrent effect of the courts and justice would thus be seen to be done.

We commend the United Nations, and in particular the Secretary-General, for the support given to the establishment of the International Criminal Court. That support was consistent with the Organization's Charter mandate "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained". The Court continues to be in need of United Nations support. Specifically, the liaison office of the International Criminal Court that is being established in New York continues to need the support of the United Nations. In that light, we request the United Nations to assist the liaison office in its efforts to be established in New York within United Nations Headquarters.

Let us now turn to the vexing debate on the role of the Court in peace processes. To understand the role of the Court, we have to look to the Statute establishing it. In establishing the International Criminal Court, States deliberately chose to make the Court complementary to national justice systems and not concurrent, as was the case with the ad hoc tribunals. Furthermore, States decided that the Court would not be vested with the means to enforce its decisions, but would have to rely upon States for enforcing arrests and imprisonment. The result of that architecture is that the Court is an effective judiciary organ but is operationally very dependent upon the cooperation it receives from States. Thus, the Court and States, in a complementary relationship, constitute the international justice system that is the International Criminal Court.

The report mentions that there are three situations before the Court, namely the Democratic Republic of the Congo, Uganda and Darfur, the Sudan. The International Criminal Court is involved in those areas on the basis of the invitation of the States concerned or on the basis of a referral by the Security Council, and not because it imposed itself on those States. We fully support the response of the International Criminal Court to the legitimate invitations by the Government of the Democratic Republic of the Congo and by the Government of Uganda, which have requested the Court's assistance in ending impunity due to their national systems being unable on their own to investigate and prosecute the international crimes committed in their territories.

Furthermore, by the authority given to it under the International Criminal Court Statute, the Security Council referred a situation to the International Criminal Court, namely, the situation in Darfur, the Sudan, for investigation and prosecution. The Court, in accordance with the Statute binding upon it and its member States, has duly responded to that referral as well. We remain cognizant, however, that, notwithstanding the Court's positive response to those referrals, it will not be able to prosecute anybody until the States concerned deliver the individuals indicted by the Court. Therefore, the Court remains primarily a tool of the States concerned, consistent with the manner in which it was established.

In our scrutiny of the building blocks of the International Criminal Court, it therefore seems to us that the Court itself does not determine the role it plays in a peace process, but rather it is States that determine the role that the Court should play. The Court is a tool of accountability that can be activated by States when they are of the view that accountability is necessary in a given situation. We are, however, mindful that the Prosecutor of the International Criminal Court is, by the terms of the Statute, authorized to initiate investigations on his own motion. We support the approach he has thus far taken to act only upon the referral of States rather than on his own initiative, particularly at this early stage of the Court's existence.

It is thus up to those entities that activated the Court to deactivate it in accordance with its Statute, on the basis of the complementarity rule, at any time when accountability by the ICC is no longer a tool of their preference. We are confident that, consistent with the International Criminal Court Statute, the Court will defer to national justice systems when complementarity is appropriately invoked before the Court.

Let us now turn to the important area of the responsibility of States parties to the Statute of the International Criminal Court and, by extension, the responsibility of the international organizations to which we belong. We take this opportunity, as 28 African States that have ratified the International

Criminal Court Statute, to reiterate the call we made here last year to the African Union to conclude a relationship agreement with the International Criminal Court in the same manner as the United Nations and other intergovernmental organizations have done. The Constitutive Act of the African Union recognizes the need to deal with crimes against humanity, war crimes and genocide; therefore, a cooperation mechanism with the Court would be consistent with the principles of the African Union. Furthermore, we call upon States and private donors to give support to the International Criminal Court Trust Fund for Victims in order to ameliorate the suffering of victims. It will also be necessary, in our efforts to cooperate with the Court, to make a list of the areas in which the International Criminal Court will need cooperation and to establish mechanisms for how we, as States, will extend to the Court such cooperation individually, jointly and through intergovernmental organizations.

We welcome the positive developments emanating from the United States, which has withdrawn the restrictions imposed upon States that have declined to sign so-called article 98 agreements granting immunity to United States nationals and Government employees from the jurisdiction of the International Criminal Court. These developments place all States of goodwill on the correct side of respect for the rule of law, and they open avenues for increased cooperation with the United States in the area of strengthening international and national criminal justice systems.

Finally, we wish to indicate our strong support for the decision by the International Criminal Court Assembly of States Parties to alternate its meetings between The Hague and New York; we appeal to the United Nations to take all available steps to accommodate the sixth Assembly of States Parties of the International Criminal Court at United Nations Headquarters in New York.

Ms. McIver (New Zealand): I have the honour to speak today on behalf of Canada and Australia, as well as New Zealand.

The International Criminal Court (ICC) is the product of the international community's clear resolve to ensure that those who commit genocide, crimes against humanity and war crimes are brought to justice. One hundred and two States have now committed themselves to the Rome Statute of the International Criminal Court and to the principle that, for those most serious of crimes, impunity will not be tolerated. Canada, Australia and New Zealand are committed to ensuring that the number of States parties continues to rise.

The Secretary-General said in his report on the work of the Organization that "Justice, especially transitional justice in conflict and post-conflict societies, is a fundamental building block of peace" (A/61/1, para. 109). Our three countries strongly support the principle that justice and peace are intrinsically intertwined. As Members of the United Nations, we must continue to ensure that a fundamental element of our response to conflict situations is the pursuit of justice. The International Criminal Court is recognition of that principle and must continue to be employed by the United Nations to that end.

Canada, Australia and New Zealand welcome progress made by the Court over the past year. In the first successful execution of an International Criminal Court arrest warrant, Thomas Lubanga, a Congolese national accused of war crimes, was arrested and surrendered to the Court in March. This is a significant step.

But, we need to remember that the Court is only an institution. It relies on States and international and regional organizations to assist in the arrest and surrender of accused persons, the provision of evidence, the protection of witnesses and the enforcement of sentences. Five arrest warrants were issued last October against members of the Lord's Resistance Army accused of sexual enslavement and the forced enlistment of child soldiers. None of those warrants have been executed.

The International Criminal Court Office of the Prosecutor has continued to investigate allegations of serious international crimes in Darfur, the Sudan, since the Security Council referral of that situation in March 2005. The challenges of conducting investigations under such difficult security situations are immense.

Canada, Australia and New Zealand will continue to do everything within our power to assist the International Criminal Court to carry out its role in prosecuting those responsible for heinous acts of genocide, crimes against humanity and war crimes.

We call on all States, likewise, to cooperate with the International Criminal Court, directly as well as

through the United Nations, in order to facilitate its contribution to our collective goals of peace, security and justice.

Mr. Lauber (Switzerland) (*spoke in French*): Switzerland expresses its gratitude and appreciation to Judge Philippe Kirsch and the entire staff of the International Criminal Court (ICC) for their extraordinary efforts and accomplishments, to which the report just presented by the President of the Court (A/61/217) testifies. We are impressed by the intense level of activity of this still very young Court, by the progress achieved in the three investigations under way and by the ambitious goals the Court has set itself in its strategic plan.

Switzerland welcomes the steady increase in cooperation between the United Nations and its various organs and the International Criminal Court, as described in the Court's report. We are particularly pleased at the Court's having finally established a liaison office in New York, which will facilitate contacts between the Court and United Nations Headquarters. We are pleased to welcome the appointment of Mrs. Socorro Flores as the Court's new representative in New York and promise her our full support.

We are currently seeing the emergence of an international criminal justice system, in which the International Criminal Court has a central role to play. In the early 1990s, the ad hoc tribunals established by the Security Council paved the way for the establishment of a permanent international criminal court. Today, the ICC provides detention facilities and courtroom services and facilities to the Special Court for Sierra Leone for its trial against Mr. Charles Taylor, and the ICC Deputy Prosecutor is currently serving as Commissioner of the International Independent Investigation Commission established pursuant to Security Council resolution 1595 (2005). Switzerland encourages such cooperation between the United Nations and the ICC, which will strengthen the international criminal justice system.

The ICC is an independent court of law and must be respected as such at all times. At the same time, it has to be acknowledged that the purpose and impact of international criminal justice go beyond mere judicial considerations. Ultimately, international criminal justice contributes very significantly to sustainable peace and security. The three situations currently under investigation by the Office of the Prosecutor clearly illustrate this. They were referred to the ICC by the States concerned or by the Security Council at a time when conflicts surrounding the alleged crimes were ongoing and with the expectation that the ICC's involvement would deter future crimes and be conducive to containing or even ending those conflicts. In all three situations, there are clear indications that those expectations are being or will be met, provided that the Court receives the necessary cooperation and support from the parties involved and as long as we stand by the principles of the Rome Statute, even when its implementation faces challenges we did not foreseen at the time of its adoption.

The United Nations has recognized the role of international criminal justice as an instrument of deterrence against genocide, crimes against humanity and war crimes and as a contributor to sustainable peace and security on several occasions: in the former Yugoslavia, Rwanda, Cambodia, Sierra Leone, the Sudan and Lebanon, to name just a few. Switzerland strongly encourages the relevant bodies, programmes, funds and offices of the United Nations as well as Member States to continue along this road. The role of international criminal justice, and in particular of the International Criminal Court, must be put to its best use when conflict prevention and mediation strategies are developed, when peacekeeping operations are established and prepared, and when peacebuilding and post-conflict reconstruction are addressed.

In addition, the conceptual recognition of international criminal justice must be followed by concrete cooperation and support on the ground. The International Criminal Court, and indeed international criminal justice as such, will be unable to fulfil its potential without the strong support and cooperation of States, international and regional organizations and civil society, in particular in relation to the arrest and extradition of accused persons, the provision of evidence and the enforcement of sentences. In this regard, the United Nations has a special responsibility as there is no other organization with a comparable level of field presence and experience.

Finally, the purposes and principles of the Rome Statute of the International Criminal Court very much reflect those of the Charter of the United Nations and are thus universal. Switzerland, therefore, calls on all States which have not yet done so to accede to the Rome Statute as soon as possible.

Mr. Wenaweser (Liechtenstein): I would like to thank the President of the International Criminal Court (ICC), Mr. Philippe Kirsch, for presenting the second report of the Court (A/61/217) to the General Assembly. We note with great satisfaction the progress made in the work of the Court over the past year. The importance of these developments cannot be overstated, keeping in mind that the ICC is a recently established institution aimed at promoting justice on a permanent basis.

The entry into force of the Rome Statute and the establishment of the Court have clearly begun to have an impact far beyond the cases with which the Court is dealing. States have adapted their legislation dealing with the most serious crimes of concern to the international community. The Court is spearheading international efforts to end impunity, and the commitment of the international community as expressed in the Rome Statute has led to the creation of special tribunals and other mechanisms dealing with past crimes.

In a number of situations, initial investigations by the Prosecutor have sent a clear message to past and potential future perpetrators in other parts of the world. Even if their own countries might not be able to bring them to justice, the International Criminal Court can do so. The system of justice established by the Rome Statute is contributing to deterrence worldwide, and this effect will be continuously strengthened through the future work of the Court and the publication of its results.

The rule of law requires that courts be able to exercise their functions independently, and the Rome Statute upholds that principle through various safeguards. I would like to refrain from commenting on any decisions or actions taken by the Court's organs in current cases, but we note that the Court has fully lived up to the expectation of an impartial and independent judiciary. There is no doubt that the ICC is committed to promoting justice in accordance with the Rome Statute and the United Nations Charter and that the Court is beyond any suspicion of politicization.

While being an independent institution, however, the Court cannot act alone and in a vacuum. We take note of the strong emphasis placed by its President on the need for cooperation. Such cooperation can take many forms and must come both from Member States and from the United Nations system, in particular from the field operations it has established. In this respect, we welcome the establishment of the Court's liaison office in New York, which will help promote cooperation between these two organizations. We call on the Secretary-General to ensure that the Relationship Agreement with the Court is implemented to the fullest extent possible.

The preamble of the Rome Statute reaffirms the purposes and principles of the United Nations Charter. The first such purpose under Article 1 of the Charter is to maintain international peace and security. The ICC was designed as an institution that promotes and delivers justice, based on the principle of complementarity, and that thereby contributing to peace. Justice and peace are not mutually exclusive goals; quite the opposite.

The real peace-versus-justice dilemma was the fact that before the establishment of the International Criminal Court there was no permanent international institution that could deliver justice for the worst crimes. Because of that glaring gap in the system of international institutions, impunity was a reality and amnesty a bargaining option for those responsible for crimes. The establishment of the ICC represents a paradigm shift that over the course of time effectively will deprive those responsible for the worst crimes of the opportunity to demand amnesties, simply because their counterparts in negotiations will not be able to effectively guarantee impunity. Negotiations and deals with those responsible for such crimes will thus have to rely on elements and incentives other than permanent impunity. In the long run, eradicating impunity will contribute to sustainable peace in particular post-conflict situations, and also to deterrence worldwide. Note should be taken, nevertheless, that the Statute adopted at Rome allows certain flexibility in investigations, in particular in the light of the interests of victims and the interests of justice. Such flexibility is, however, not subject to negotiation with criminals.

Liechtenstein has supported the Court from the beginning and will continue to do so wherever possible. We have ratified both the Rome Statute and the Agreement on Privileges and Immunities of the Court, and we have adopted the necessary implementing legislation.

In the context of the Assembly of States Parties, one important priority for us is work on the definition of the crime of aggression, on which the Special

Working Group strives to elaborate concrete proposals by 2008 for consideration by a Statute review conference. Much progress was made on this topic in the previous inter-sessional meeting, held at the Princeton University's Liechtenstein Institute on Self-Determination, and we look forward to continuing our discussions on this issue, which is open not only to States parties to the Rome Statute but also to all States that have signed the Final Act of the Rome Conference.

Finally, we would like to invite all States that are not yet parties to the Rome Statute to continue to evaluate the work of the Court. We are confident that doing so will encourage them to join the majority of Member States who decided to be part of this historic enterprise.

Mr. Gómez-Robledo (Mexico) (*spoke in Spanish*): The delegation of Mexico wishes to express its sincere appreciation to the President of the International Criminal Court (ICC), Judge Philippe Kirsch, for the comprehensive report that he has presented to the General Assembly (A/61/217), in accordance with the Relationship Agreement between the United Nations and the Court. There are now 100 States parties to the Rome Statute, and on 1 November 2006, the Statute will have two additional States parties. The Government of Mexico wishes to congratulate the Comoros and Saint Kitts and Nevis for recently depositing their instruments of ratification — additional steps towards the universality of the Statute. From its own experience, Mexico fully understands the difficulties involved in the ratification of a treaty that has such a powerful effect on the domestic criminal justice system and that requires complex legislative reforms, including at the constitutional level. States parties and civil society organizations have joined to provide technical support to whomever might need it that will allow signatories to adapt their legislation. The advantages derived from belonging to the ICC are greater than the doubts that an instrument of this type still raises in some countries.

The International Criminal Court is fully operational. This is clear, as stated in the annual report, with the surrender of the first person arrested by virtue of an order of the Court in March 2006 and with the initiation of preliminary proceeding and appeals in advance of the trials that will soon begin. We have made due note of the investigations being made by the Prosecutor in the Democratic Republic of the Congo, Uganda and in Darfur, the Sudan, and the analysis being carried out concerning cases in the Central African Republic and Côte d'Ivoire as a result of a declaration of acceptance of the Court's jurisdiction.

In accordance with the Statute, the Court is hearing three cases referred by States and one referred by the Security Council and is analysing communications in order to determine whether to begin investigations in other cases. In each case, the Court has shown that it is moving forward, and we trust that it will continue to do so within its proper jurisdiction. In these cases, the required infrastructure has been created to guarantee the full participation of victims and the protection of the rights of the defence through the Office of Public Counsel for Victims and the preparation of measures to guarantee the security of victims, witnesses and other persons at risk because of investigations carried out by the Court.

But the Court is facing enormous challenges at this stage of its development as an institution. Allow me to discuss three basic aspects of the Court's future work: international cooperation, selection criteria, and the interests of justice.

A basic pillar of the Court's work is based on international cooperation, as is stated in the summary of its report:

> "... the Court relied on cooperation from States, the United Nations, other international organizations and civil society. The Court does not have its own police force to carry out its decisions or orders. It needs the assistance of others in, inter alia, gathering evidence, providing logistical support to operations in the field, relocating witnesses, arresting and surrendering persons and enforcing the sentences of the convicted."

States parties have a basic obligation to cooperate in the investigation and prosecution of crimes within the Court's jurisdiction. The Statute must be complied with in good faith and in accordance with the principle of *pacta sunt servanda*. Without this basic cooperation, the Court would be prevented from carrying out its mandate. Because of the very nature of the investigations, States whose situations have been referred to the Court have an immediate obligation to cooperate with it. But the complexity of the Court's work — efficiently carrying out investigations, gathering evidence, properly caring for victims and implementing sentences — also creates an obligation

for the rest of the international community. In that respect, dialogue between the Court and States parties must focus more clearly on identifying expectations of cooperation in all its ramifications.

The situation in Darfur has made clear the role that the United Nations can play in carrying out the Court's mandate. Although the Court has signed a memorandum of understanding with the United Nations Organization Mission in the Democratic Republic of the Congo, there is still a need to increase cooperation with other United Nations agencies, organizations and offices. The Relationship Agreement between the ICC and the United Nations provides a legal framework for developing greater and more effective cooperation. We have only to think about the operational capacity of the United Nations through its peacekeeping operations to provide the Court field support where there are difficult logistic conditions.

Here, the Security Council has a special responsibility to fulfil. For example, the ongoing situation in Darfur creates an obligation to logistically support the Court in the investigation of crimes committed there, without affecting its impartiality. In addition, the Security Council has the authority to empower peacekeeping operations deployed to places where there are cases under investigation by the Court with a mandate necessary to support it in the development of its work.

In short, the Court is already an important component of the international peace and security system. That is why we welcome the decision of the Assembly of States Parties to open a liaison office in New York which will serve to creatively develop cooperation with the United Nations. The office should be provided with the necessary means to carry out its mission. On the one hand, the Assembly of States Parties should consider granting the required financial resources in order to effectively develop its mandate. On the other, the Relationship Agreement with the United Nations creates obligations on the part of the United Nations to enable the office to open properly in New York. An important step has been the appointment of the head of the office, Mrs. Socorro Flores, a prominent Mexican legal authority, but the Organization and the States parties must make an additional effort so that the office can operate properly.

Allow me to refer to another aspect of importance to the future of the Court that is related to the selection criteria of the Office of the Prosecutor to initiate an investigation.

The Court has limited resources at its disposal. It would be physically impossible to launch an investigation of every case of which the Prosecutor is made aware. We must not forget that the Court works on the basis of complementarity. It is therefore up to States parties to initiate and carry out prosecutions of those responsible for committing on their territory some of the crimes covered under the Statute. The prosecution strategy recently put forth by the Prosecutor sets out the parameters within which his Office should operate. As the Prosecutor has himself stated,

> "intervention by the Office must be exceptional — it will only step in when States fail to conduct investigations and prosecutions, or where they purport to do so but in reality are unwilling or unable to genuinely carry out proceedings".

In that regard, we agree with the Office of the Prosecutor that complementarity must be viewed as a positive approach to encourage proceedings where possible, rely on national and international networks and to participate in a system of international cooperation. The Court's very existence and its full operation are in themselves incentives for States to prevent the commission of crimes in their territories and to act immediately when crimes do occur.

In recent months, we have spoken about what is known as the dilemma between peace and justice in order to describe a situation in which political actors would have to choose between investigating and punishing those responsible for crimes covered by the Statute, on the one hand, and a political solution to the situation that led to those crimes, on the other. For a court of law such as the International Criminal Court, justice cannot be subordinate to political negotiation. There is therefore no such dilemma, as one cannot even countenance the denial of justice. We must be clear about the fact that every institution has a role to play: the political and the judicial each have their part.

We therefore believe that the Prosecutor made the correct decision in investigating the situation in northern Uganda and carrying out prosecutions in a manner that did not affect the role that could be played by other actors. There is no doubt that efforts to establish lasting stability require harmonizing the

efforts of the Prosecutor with national and international initiatives to restore peace. The Court is a central to peace. We are convinced that the launching of an investigation itself can, and must, have a positive impact on the political scene.

We have come a long way, but the Court still has great challenges to face. The complete determination of the international community to combat impunity will help us to confront those challenges with creativity. The Court can count on Mexico's full support in its great undertaking.

Mr. Riofrío (Ecuador) (*spoke in Spanish*): My delegation would like to thank the President of the International Criminal Court (ICC) for his introduction of the Court's second annual report (A/61/217).

The past year has been an especially important one for the Court's work as regards the progress made in both investigations and pre-trial proceedings. Despite being a young institution, the Court has unambiguously demonstrated that, thanks to its independence and impartiality, it can become a dynamic factor in peacebuilding.

However, the strenuous efforts made to make progress in judicial proceedings have had to contend with the painful reality that arrest warrants, which are the only way to ensure the holding of a trial and, ultimately, the end of impunity, have not been carried out. My delegation agrees with the report that it is crucial to strengthen the cooperation of States and international organizations to ensure that arrests, the provision of evidence and the relocation of witnesses, among other things, are carried out in an effective, transparent and timely manner. It is essential that States be willing to facilitate the holding of trials. Given the situation in which the Court currently finds itself, we should perhaps consider what measures are necessary to effectively implement the Statute's provisions regarding cooperation in the absence of such willingness.

Ecuador would like to reaffirm its respect for the universal principles of justice enshrined in the Statute, as well as its ongoing commitment to the ICC. In that connection, on 19 April 2006, my country deposited its instrument of ratification on the Agreement on Privileges and Immunities of the International Criminal Court. We have also made progress at the national level as regards the implementation of the Statute, including by promoting the necessary legislative reforms.

On the initiative of civil society and through the coordination provided by various State institutions, a draft law on crimes against humanity, which defines the crimes covered by the Statute, was submitted to Ecuador's National Congress for approval. The bill also provides for standards that will make it possible to comply with the principle of complementarity and the obligation to cooperate with the International Criminal Court.

Ecuador firmly believes in the need to protect the integrity of the Rome Statute. We are convinced that the best way to do that is by achieving universal ratification. On behalf of my country, I should like to congratulate the Governments of Saint Kitts and Nevis and the Comoros on their decision to ratify the Statute.

In conclusion, Ecuador would like to launch an appeal to support the ICC and its work, which represents the best instrument to combat impunity and ascribe responsibility for crimes against humanity.

I cannot fail to close without expressing the Government of Ecuador's pleasure at the setting up of the Court's office in New York, to which we extend our full support.

Mr. Mayoral (Argentina) (*spoke in Spanish*): On behalf of the Argentine Government, I should like to welcome the presence in New York of Judge Philippe Kirsch, President of the International Criminal Court (ICC), which provides an opportunity for the General Assembly to welcome him and to receive the Court's second annual report (A/61/217) on its work. His leadership of that unique juridical body during the initial stages of the Court's existence has been, and continues to be, of fundamental importance. I ask that you, Madam President, convey to President Kirsch the full support of my Government and of my country's civil society.

The last century witnessed the worst atrocities of the modern age — acts of genocide, mass killing and ethnic cleansing that did permanent damage to humankind's collective psyche. The United Nations and the ICC have in large part been the result of the international community's reckoning with those tragedies. Both of those international institutions will continue to have a crucial role to play in the new century in ensuring that crimes against humanity are not repeated. All States parties, but also those that are not, must cooperate in order to strengthen the Court and ensure its independence and success.

Last June, the Security Council considered the issue of the rule of law and its role in the maintenance of international peace and security (see S/PV.5474). During that debate, Argentina emphasized the crucial importance of the links between peace, justice and human rights and the role of the Court in completely eliminating impunity.

Supporting the Court means contributing to progress towards an international system of justice that exposes impunity and prevents crime. We are especially optimistic about Court's overall dissuasive role in armed conflicts and internal situations.

We continue to follow with great attention the development of the process of investigation in the Democratic Republic of the Congo, Uganda and Darfur. We would highlight the transfer to The Hague of Mr. Thomas Lubanga, which was possible thanks to the support of the Security Council and its resolution 1533 (2004). We also take note of the steps being taken in preparation for his trial.

With regard to arrest warrants issued against leaders of the Lord's Resistance Army in Uganda, we believe that the international community, and especially mediators providing assistance in the Juba process, must seek innovative solutions that harmonize traditional reconciliation systems used by the local population with the inviolable imperatives of international law. Peace cannot be attained at the cost of justice. The authorities of the Sudan, Uganda and the Democratic Republic of the Congo must fully cooperate to arrest persons against whom arrest warrants have been issued.

With regard to crimes committed in the Sudan's Darfur region, we reiterate the obligation of all States and organizations under Security Council resolution 1593 (2005) to provide information and logistical support to the Court as it carries out its work. States and organizations should also, among other things, contribute to providing protection to victims and witnesses and adopt all the necessary measures to preserve evidence. We therefore once again call upon the Government of the Sudan to enable the investigation to take place and to ensure the safety of witnesses.

We would also like to acknowledge the cooperation between the Court and the Special Court for Sierra Leone, which was facilitated by the cooperation provided by the Security Council in its resolution 1688 (2006), which allowed for the transfer and future trial at The Hague of Mr. Charles Taylor and the provision of detention facilities and hearing rooms for his trial.

We would like to express our gratitude and support for our countryman Prosecutor Luis Moreno Ocampo, as well as his team, in particular for their efficiency and dedication to both ongoing investigations and the substantive work being done to evaluate other potential cases. We all know their work is very complex and politically sensitive.

In another area, we would like to acknowledge the important work of the United Nations Organization Mission in the Democratic Republic of the Congo. We hope that work will continue to be carried out efficiently. We call upon the Governments of the Sudan and Chad to continue to cooperate fully with the Prosecutor's ongoing investigations.

We are also interested in studying the conclusions of the third colloquium of international prosecutors, which took place last week in The Hague. We congratulate the Court and the Prosecutor's Office for that initiative to promote dialogue and cooperation in order to continue to make progress towards a universal system of justice.

Cooperation with the Court should take place in the capitals of Member States, in New York and at The Hague. There must also be cooperation on the ground, where the Courts decisions must be carried out, evidence gathered and logistical support provided, as well as where personnel, victims, witnesses and those on trial must be protected. In that connection, the United Nations must continue to play a constructive role while utilizing its experience in the areas of police and security.

My country, Argentina, was very interested to note the recent publication of the International Criminal Court's strategic plan, which will be taken up at the fifth Assembly of States Parties next November. We believe that the plan, which is now being finalized, is an important basis for strategic consideration of the Court's future work. We are in principle in agreement with the objectives and goals set out in the plan.

In conclusion, we would once again like to urge States that have not signed or ratified the Rome Statute to do so as soon as possible. We call upon all States to detain and surrender accused in order that they can be

tried. We urge the General Assembly and the Security Council to continue to support the International Criminal Court. I should like to say once again that the international community and the cause of international peace and security need an efficient Criminal Court with universal jurisdiction and competence that can achieve the great purposes for which it was established.

Mr. Samy (Egypt) (*spoke in Arabic*): At the outset, I would like to thank the Presidents of the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Court for their reports to the General Assembly, which shed light on the evolution of the principles of international criminal law in combating heinous crimes against humanity. In that regard, Egypt would like to emphasize the important role of the international criminal tribunals in guaranteeing the rule of law, especially as regards international humanitarian law. Doing so is important to maintaining international peace and security. The role of international tribunals is complementary to that of national legal systems, which are the competent authorities to bring to justice those who commit such crimes. Prosecuting such persons is part of a State's responsibility in ensuring peace and security for its citizens and in guaranteeing domestic stability.

In that regard, Egypt would like to reaffirm that international tribunals should continue on the path of neutrality as they carry out their work, namely, by adopting a basic approach that underscores the judicial nature of their work and emphasizes the non-political character of their undertakings. That would provide assurances as to their neutrality and independence and provide the tribunals an opportunity to carry out their legal and moral role.

With regard to the nature of the crimes dealt with by the tribunals — whether they are war crimes or genocide or other crimes against humanity — the tribunals should be encouraged to prosecute all accused of committing such crimes and to ensure that no one enjoys impunity, in particular persons responsible for issuing and carrying out orders during armed conflict or against people under occupation.

With regard to the International Criminal Court, Egypt appreciates the Court's efforts to prepare the first version of a strategic plan outlining a general framework for its work over the next 10 years.

The delegation of Egypt would like to reaffirm the importance of intensifying the Court's current efforts to arrive at a definition of the crime of aggression, especially as current international circumstances and developments point to the importance of reaching such a definition to punish criminals who commit such heinous crimes.

Egypt would also like to reaffirm the importance of not politicizing the work of the Court, as well as the need to avoid selectivity in bringing cases before the Court, in accordance with the legal principle that all are equal before the law. We therefore request that the Court and the Security Council bring before the Court all those accused of committing war crimes and crimes against humanity without discrimination based on political considerations.

We would also like to reaffirm the principle of transparency and the importance of refraining from resorting to secret lists of names of accused, as justice is based on transparency and accountability. In that regard, investigative and evidence-gathering procedures need to be reconsidered, especially investigative procedures pertaining to crimes and the provision of strong material evidence so as to ensure that identical actions are taken in dealing with identical crimes defined in the Statute of the Court. There should be no rush to characterize facts on the basis of incomplete testimony or by relying on a cursory examination of the facts without taking into consideration the full legal considerations.

Egypt reaffirms its support for the role and activities of the International Criminal Tribunal for Rwanda (ICTR), especially activities aimed at training legal personnel from Rwanda and other African countries in order to enhance the national capacity of countries to guarantee the rule of law and protect their citizens. This is a main pillar in establishing the security and stability necessary for development and progress on our continent, Africa. In order to enhance the capacity of the Tribunal to carry out its tasks, the Government of Egypt has made an important financial contribution to the Tribunal's voluntary contribution fund, and we will continue to do so.

Moreover, Egypt held a symposium in 2005 to commemorate the tenth anniversary of the massacres in Rwanda. Mr. Adama Dieng, Registrar of the International Criminal Tribunal for Rwanda, participated in that event. The goal of the symposium

was to remind everyone of those crimes against humanity and the resultant suffering of the Rwandan people, in order to draw lessons from the Rwandan experience as a whole, and to support the role of the Court. That should be a deterrent to anyone who may attempt to commit such horrendous crimes.

With regard to the International Criminal Tribunal for the Former Yugoslavia, we continue to be disappointed by the fact that several leaders who committed the most horrifying of crimes against humanity have not been brought to justice before the Tribunal and remain at large. In that connection, Egypt reaffirms the importance of cooperation with the Tribunal by all parties in the territory of the former Yugoslavia, whether in connection with the gathering of evidence or arresting and trying those accused of committing crimes against innocent people. History will not forgive such crimes. Prosecuting the accused will contribute to justice and national conciliation in that region.

In that regard, the Government of Egypt welcomes the cooperation of Serbia and Montenegro with the Tribunal during the last reporting period. We encourage them to continue to cooperate so that the Tribunal can overcome the difficulties it faces in carrying out its mandate in the timeframe specified.

At the outset of my statement I referred to the importance of non-selectivity in referring cases to international courts and to the importance of not politicizing their work. We should soon see fair trials for those accused of committing crimes against humanity in the occupied Arab territories of Palestine and Lebanon, in a reaffirmation of the principle that all are equal before the law and to ensure the promotion and upholding of justice.

Mr. Kryzhanivskyi (Ukraine): At the outset, I would like fully to associate my delegation with the statement delivered by the representative of Finland on behalf of the European Union. Allow me to make some additional remarks.

Ukraine attaches great importance to the activities of the International Criminal Court. We welcome the ratification of the Rome Statute by 102 States representing all regions of the world.

Ukraine is a strong supporter of the idea that the effective functioning of the Court will end impunity for those who hide behind the principle of State sovereignty, as the Rome Statute confers upon the Court jurisdiction over acts of genocide, war crimes, crimes against humanity and the crime of aggression, irrespective of national boundaries.

I would like to emphasize the importance for my country of developing a definition of the crime of aggression. The system of international criminal justice based on the Rome Statute would be incomplete without such a definition. In that regard, I would like to commend the contribution made by the delegation of Liechtenstein this year in organizing an intersessional meeting of the Special Working Group on the Crime of Aggression at the Liechtenstein Institute on Self-Determination at Princeton.

As a strong advocate for a fair and effective International Criminal Court, Ukraine signed the Rome Statute on 20 January 2000. In so doing my country took its first step towards participation in that instrument. Extensive work was also begun in Ukraine to develop, and eventually adopt, implementing legislation, which is the necessary prerequisite to the parliament's ratification of the Statute. However, during the bill's drafting phase, a debate emerged about whether the Rome Statute is in conformity with Ukraine's constitution. The appropriate issues were submitted to the Constitutional Court of Ukraine for its final resolution.

On 12 July 2001 the Constitutional Court of Ukraine pronounced its conclusion, according to which the Rome Statute was found to be in conformity with the Constitution of Ukraine, with the exception of the provision contained in the Statute's tenth preambular paragraph, which states that "the International Criminal Court established under [the] Statute shall be complementary to national criminal jurisdictions". In accordance with the conclusion of the Constitutional Court, further measures will be taken in Ukraine to complete the internal procedures necessary to submit the Rome Statute to the Verkhovna Rada — which is Ukraine's parliament — for its ratification.

I would like to express the conviction that the task of completing the ratification process and enacting implementing legislation will be successfully accomplished in Ukraine. We understand the necessity for these steps to help end impunity for the worst crimes in the world, which have plagued the twenty-first century as no other.

Ms. Skaare (Norway): Let me begin by saying that Norway fully recognizes the substantial progress made by the International Criminal Court (ICC) this past year. The Court is steadily integrating itself, including in practice, into the international legal system and the broader framework of international institutions and relations. Norway welcomes the second annual report (A/61/271) of the Court to the General Assembly, which reflects its achievements. We would like to thank the President of the Court, Mr. Philippe Kirsch, for his presentation.

We are very pleased to note the strengthening of the relationship between the ICC and the United Nations. Secretary-General Kofi Annan once said that there can be no healing without peace, no peace without justice and no justice without respect for human rights and the rule of law. Norway fully shares that view, and firmly believes that the ICC has a crucial role to play in ensuring justice, as a complement to national systems, in order to achieve accountability for genocide, crimes against humanity and war crimes.

At the same time, it has long been recognized that the pursuit of justice in areas affected by armed conflict can give rise to particular challenges. One challenge that has been increasingly debated is related to the relationship between peace efforts and criminal prosecutions. Efforts to promote ceasefires and peace agreements can of course give rise to dilemmas. In certain cases, people who are key to the success of peace talks may have even perpetrated the gravest crimes. Nonetheless, in order to end bloodshed and armed conflict, mediators may have to call on all the parties concerned to sit down together and negotiate.

The emergence of a system of international criminal justice has not changed any of that; nor does it constitute any obstacle to the pursuit of peace; nor do we need more empirical evidence of peace having failed because of continued impunity for mass atrocities. We have enough experience in that field. We do not need more empirical data to substantiate the need for an international legal order, including international criminal justice. Ending armed conflict is, in turn, crucial to the establishment of justice and the promotion of human rights and development. Prolonged bloodshed is not in the interest of any victims. Instead, it creates new ones on a large scale.

Although it has long been recognized that there is no durable peace without justice, it is equally difficult to conceive of true justice in a society without peace. The two aims, peace and justice, based on respect for human rights, are among the fundamental purposes of the United Nations. They are both identified in the very first Article of the Charter. Although they are distinct, they are closely interrelated. And although they may be difficult to attain simultaneously, we must strive to achieve them — if necessary one at a time — not least because they are mutually supportive and reinforcing.

Governments that are committed to the aims of the United Nations and to the prosperity of civilian populations must have a full understanding of the relationship between human rights, development and security.

Facilitating the end of conflict and contributing to durable peace, including through true justice, are demanding challenges for the international community. Prohibiting impunity for mass atrocities and communicating clearly to war-torn societies that such measures are being taken are necessary steps. The new system of international criminal justice will bring the perpetrators of mass atrocities to justice when national systems are unable or unwilling to do so. That powerful message has broad support and was recently reiterated by the Secretary-General, who said:

> "Justice, especially transitional justice in conflict and post-conflict societies, is a fundamental building block of peace. In the face of pressures to the contrary, the international community should ensure that justice and peace are considered to be complementary requirements. Indeed, we must never choose between justice and peace, even if it is not possible to pursue both goals in parallel. This is particularly important because it remains our firm position that there should be no amnesty for international crimes." (*A/61/1, para. 109*)

That message is slowly being implemented in practice, through painstaking efforts at national levels, through international cooperation and, where necessary, through international mechanisms such as the ICC, which is triggering the legal obligations of States parties to the Statute.

In that regard, Norway expects States that have legal obligations according to the Statute, or who have entered into cooperation agreements with the Court, to

comply with those obligations and to demonstrate in practice their commitment to justice. Those States have a responsibility to reach out and explain to their populations the true nature of the Court and its system. It is a system that provides for fair hearings and the rights of the accused, while safeguarding the interests of victims and it is a system that enjoys broad support in the international community.

At the same time, the international community, including the United Nations Security Council in particular, retain their responsibility for the maintenance of peace and security and ultimately for effective support to peace efforts. It is important that the General Assembly, as well as the Security Council, underline the importance of the pursuit of justice in their quest for durable peace. Those bodies must take those issues fully into account when shouldering their responsibilities.

Norway is pleased to note that today, more than one out of every two Member States of the United Nations are parties to the Rome Statute. It is no small achievement that only four years after the establishment of the Court, it numbers more than 100 States parties. Norway sincerely hopes that the number will continue to rise at the same rate and that we will achieve the aim of universal adherence.

This past year important steps have been taken by the Court in its judicial functioning. The Court has initiated its first proceedings against an accused, and the Appeals Chamber has issued its first decision on the merits. However, as emphasized both in the report before us and by the President of the Court, the Court will need the cooperation of States. That is why Norway calls on all States to cooperate fully with the Court.

In closing, I would like to reiterate Norway's firm and long-standing commitment to the integrity of the ICC Statute and to an effective, credible and a responsible International Criminal Court, which can and should enjoy the broadest possible support of States. We believe that it is in the long-term interest of nations, irrespective of size, regional grouping or political orientation, to work to strengthen the rule of law. That is not only the expression of our consistent approach to long-term peace and reconciliation through justice, it also reflects, we believe, a realistic assessment of the needs of today's interdependent world.

Mr. Duarte (Brazil): I wish to begin by thanking Judge Philippe Kirsch, President of the International Criminal Court (ICC), for the report he presented to us today and for his remarks on the Court's activities and its place within an emerging system of international justice. I also wish to commend the President of the Assembly of States Parties, Mr. Bruno Stagno Ugarte, Minister for Foreign Affairs of Costa Rica. His leadership role has been instrumental in a period during which important and sensitive decisions had to be taken.

Last year, the Court unsealed its first five arrest warrants. In March 2006, it received in custody the first person arrested pursuant to a warrant issued by the Court. Pre-trial and appeals proceedings continued to take place for trials to begin late this year or early next year. That activity testifies to the vitality of the institution which has now reached the stage of full functionality.

The Court's investigations, as carried out by the Office of the Prosecutor, with the logistical support of the Registry, continue to take place in the Democratic Republic of the Congo, Uganda and Chad. In the case of the Democratic Republic of the Congo, the investigations have already led to the first arrest. With respect to Uganda, it is worth stressing the importance of the cooperation of the Government of that country towards the success of the initiatives.

Regarding Darfur, Brazil has on several occasions expressed the importance it attributes to the role of justice in establishing peace and ending violence in the region. Although we deeply regret that the persistence of the conflict has so far prevented investigations on the ground, we are nevertheless encouraged by the tireless efforts of the Office of the Prosecutor in leading missions to Khartoum and to several different countries. We are also encouraged by the fact that the Court's field presence in Darfur, which had been temporarily discontinued, is now resumed. We reiterate our full support for the investigations and we will continue to follow with interest the reports of the Prosecutor to the Security Council pursuant to the provisions of resolution 1593 (2005).

Given the intricacies of the relationship between the United Nations and the International Criminal Court, Brazil welcomes the close cooperation between the two institutions and believes that they should continue to work together to fulfil their shared goals.

In that regard, we note with satisfaction the recent Relationship Agreement between the ICC and the United Nations as well as the establishment of the ICC liaison office in New York. We are confident that this arrangement will reinforce the channels of contact and cooperation between the Court and the United Nations.

With the latest ratifications, by Saint Kitts and Nevis and Comoros, the Rome Statute now has 102 States parties. That is a clear demonstration of the growing awareness by the international community of the need to combat war crimes, genocide and crimes against humanity in a collective manner. The establishment of the Court brought forth a new and decisive tool for the defence of human rights and for the promotion of justice and the rule of law, for the benefit of all. On the one hand, the very existence of the Court ensures that the perpetrators of the serious crimes defined in the Rome Statute can no longer expect impunity. On the other, the provisions of the Statute offer adequate and sufficient guarantees against any possible abuses and that the Court will not be used to pursue illegitimate political objectives.

Mr. Penjo (Bhutan), Vice-President, took the Chair.

The ability of the ICC to fulfil its high functions depends upon the support it receives from States. The Court needs the effective support of all States parties, but also that of the international community as a whole. We therefore encourage all States that have not yet become parties to the Rome Statute to ratify it or accede to it, thereby strengthening our common international endeavour to uphold human rights, the promotion of justice and the rule of law.

Mr. Muchemi (Kenya): Allow me to extend my delegation's gratitude to Judge Philippe Kirsch, President of the International Criminal Court (ICC), for the able manner in which he has continued to steer the activities of the Court. It is evident from the report (A/61/217) that he presented to us this morning that the Court has made significant progress both in its administrative activities and in its judicial work. We wish to align ourselves with the statement made by the representative of South Africa on behalf of the African States parties to the Statute of the International Criminal Court.

The ICC is now a fully functional judicial institution with an established field presence. It has made substantial progress in the ongoing investigations in northern Uganda, the Democratic Republic of the Congo and Darfur in the Sudan. We particularly welcome the first arrests in respect of the Democratic Republic of the Congo and expect that the initial trial will set the pace for further trials and increase confidence in the Court.

We wish to emphasize that cooperation from Member States and from other international organizations is a prerequisite to the success of the Court. In that regard, we are gratified that the Court has over the past year developed a comprehensive framework for institutional cooperation with the United Nations as well as with States and regional organizations. It is evident that the Court's cooperative arrangements with the United Nations have been instrumental in the success of the activities of the Court in all of the situations under investigation by the Court. We applaud that approach by the Court and urge strengthened and enhanced cooperation with the United Nations as provided for under the Relationship Agreement.

We also note with gratitude that the European Union and the Government of Austria have concluded cooperation agreements with the Court with regard to judicial assistance, the arrest and surrender of victims and the acceptance of persons sentenced by the Court. We recognize that the Court does not have its own police force to execute its orders in relation to arrests and surrenders. Nor does it have its own prisons. The cooperation of States parties on those matters is thus critical to facilitate the operations of the Court and to help it achieve its mandate. We urge the Court to intensify its efforts to conclude negotiations on cooperation arrangements both with States parties and with regional organizations. Considering that all the situations currently under investigation are in Africa, we look forward to the early conclusion of a cooperation agreement with the African Union.

We applaud the Court for its intensive outreach programmes in the areas currently under investigation. Very often, the communities that have suffered the horrendous crimes under the Court's jurisdiction have little appreciation or understanding of the role and work of the Court. The outreach programmes help to promote acceptance of the Court and assist victims to realize their rights under the Statute. We thus look forward to receiving, at the Assembly of States Parties this autumn, a composite strategy on the Court's outreach programmes.

At this juncture, I wish to comment briefly on the provisions of the Rome Statute in relation to the principle of complementarity of the Court's jurisdiction. The primary responsibility for prosecuting those responsible for genocide, crimes against humanity and war crimes falls within national jurisdictions. The Court assumes responsibility only when it becomes evident that the concerned State is unable or unwilling to prosecute those crimes. It is our understanding that this core principle of the Statute should override other considerations and inform the decisions of the Court in carrying out investigations and conducting proceedings.

Thus, we urge close collaboration and dialogue between the Court and the States of original jurisdiction. In that connection, it is important to remember that in most situations of genocide, war crimes and crimes against humanity, the victims have been exposed to long periods and episodes of conflict; focusing on processes while turning a blind eye to sustainable peace can thus be counter-productive. Peace and justice are not mutually exclusive and should be addressed simultaneously.

I wish to reaffirm my Government's commitment to the work of the ICC and to pledge its continued cooperation with the Court. We ratified the ICC Statute in March 2005, and the legislative procedures for its domestication are at an advanced stage. We welcome the recent ratifications by Saint Kitts and Nevis and the Republic of Comoros, which have brought the total membership to 102 States. We encourage further ratifications by States that have not yet done so, in order to achieve universality of the Statute.

We appeal to all States Members of the Organization to work individually and collectively towards the achievement of the ideals of the Rome Statute: to contribute to long-lasting respect for, and the enforcement of, international criminal justice in order to prevent and to fight impunity for the most serious crimes of an international character.

Mr. Khair (Jordan): Allow me, on behalf of my. delegation, to warmly welcome the President of the International Criminal Court (ICC), Judge Philippe Kirsch, and to thank him for his report to the General Assembly.

Two years ago, the President of the Court and the Secretary-General of the United Nations concluded the Relationship Agreement between the Court and the Organization. That relationship has since matured and will continue to strengthen as the demands made on the Court continue to mount. In that context, my delegation expresses its deepest gratitude to Secretary-General Kofi Annan for the tremendous support provided by him and the Organization to the ICC. It is our earnest wish that Mr. Annan's successor will follow in his footsteps. The world can afford nothing less.

Today, as we review the most recent annual report of the Court (A/61/217), we are mindful of the continued suffering caused to victims in many areas of conflict around the globe — suffering as a consequence of genocide, war crimes and crimes against humanity. It has become more important than ever that the United Nations place victims and their plight at the centre of all its considerations.

Jordan welcomes the report submitted by the Court to the General Assembly, which describes the main developments related to the Court's activities over the past year, including the unsealing of the first arrest warrants by the Court and the first proceedings against an accused. Those developments mark a turning point in the history of the Court. Jordan values the efforts of the Office of the Prosecutor and commends the Court for its efforts to enhance understanding and awareness of its role and activities in relation to both proceedings and investigations among local populations in situation areas.

Jordan takes note with satisfaction of the first version of the Court's strategic plan, adopted early this year, and is pleased with the developments relevant to the relationship between the Court and the United Nations, especially in the areas of information sharing and international cooperation. In that regard, Jordan welcomes the establishment of the Court's liaison office in New York.

Jordan is aware of the difficult conditions on the ground under which the Court has to work. Jordan calls upon all States, relevant regional organizations and United Nations operations to engage positively with the Court, to provide it with the necessary support in the field and to help it carry out its mandate by providing it with the necessary operational assistance.

Jordan reaffirms its continuous support for the ICC, — support that is due to its firm belief in the purposes of its creation. Jordan also believes that a functional and effective International Criminal Court

whose Statute is always respected is in the national interests of every State.

Mr. Chávez (Peru) (*spoke in Spanish*): I wish at the outset to thank the President of the International Criminal Court (ICC) for his introduction of the comprehensive and detailed report on the work of the Court during the period 1 August 2005 to 1 August 2006 (A/61/217). I also wish to reaffirm Peru's commitment to helping the ICC to effectively fulfil its mandate and to enhance the integrity of its Statute.

The adoption of the Rome Statute was a historic moment. The international community decided not to tolerate impunity for crimes that are the greatest affronts to the human person: genocide, crimes against humanity and war crimes. The ICC was thus conceived not only as an effective tool for punishing those responsible for these crimes, but also as a means of preventing and deterring the commission of such atrocities.

What was once a wish is now a functioning reality. We have a fully operational International Criminal Court that is shouldering the lofty responsibilities entrusted to it and is thus helping to achieve the purposes of the United Nations, particularly respect for human rights and the maintenance of international peace and security.

Among the most notable developments during the period covered by the report, we must mention the unsealing of the first arrest warrants, the beginning of the first proceedings against an accused and the progress made in the investigation of the situations being considered by the Office of the Prosecutor.

With regard to the first proceedings against an accused, Peru is particularly pleased at having participated, as Chair of the Security Council Committee established pursuant to Council resolution 1533 (2004) concerning the Democratic Republic of the Congo, in the process that led to the lifting of the travel ban imposed against Thomas Lubanga Dyilo for the purpose of his surrender to the Court. As that case demonstrates, if the ICC is to carry out its functions, it must receive the support and cooperation of States, international organizations, non-governmental organizations and society in general.

Indeed, the progress made over the past year in judicial investigations and proceedings is due to the cooperation and assistance that the Court has received. Those matters still involve enormous challenges and require greater cooperation and assistance. For example, none of the members of the Lord's Resistance Army — who are accused of crimes against humanity or war crimes — has yet been arrested or surrendered to the Court. That is a situation that Peru regrets. Therefore, Peru urges all States and the United Nations, and particularly the Security Council, to cooperate to ensure the effectiveness of the arrest warrants and to support the Office of the Prosecutor in its commendable work to seek justice and combat impunity, particularly in the situations in Uganda and the Democratic Republic of the Congo and the situation in Darfur, the Sudan, referred to the Court by the Security Council in its resolution 1593 (2005). With regard to the latter situation, we should recall that the Prosecutor has stated that the cooperation of the Government of the Sudan and other parties is vital and that the assistance of organizations with a significant presence on the ground remains essential.

As the President of the Court indicated in his presentation, the investigations being conducted on the ground by the Office of the Prosecutor are facing security problems both for Court staff and for witnesses and victims. Therefore, cooperation among States and the cooperation that should develop between the Court and the United Nations under the Relationship Agreement signed between them are of the utmost importance. The cooperation and assistance provided by the missions and organs of the United Nations system, as described in the report, are welcome. However, they must continue to increase, because without such essential support on the ground, the work of the Court — particularly the work of the Office of the Prosecutor — would be even more difficult or practically impossible. We are certain that, through the establishment of the liaison office in New York, operational cooperation with the United Nations will become closer.

The assistance that the ICC is providing to the Special Court for Sierra Leone with regard to the trial of former President Charles Taylor of Liberia, and to the International Independent Investigation Commission — through the appointment of the Court's Deputy Prosecutor for Investigations as Commissioner — show the ICC's substantive contribution to a more comprehensive system for promoting international criminal justice. The Court not only prosecutes those allegedly responsible for the most horrendous crimes

and serves as a means of prevention and deterrence, but also cooperates with other institutions with similar objectives. Thus, it promotes an international system in which respect for the rule of law prevails.

Mrs. Mladineo (Croatia): It is our great pleasure to welcome to the General Assembly Judge Philippe Kirsch, President of the International Criminal Court (ICC), and to thank him for presenting the Court's annual report (A/61/217).

Today, it may seem almost natural that our debate on work of the International Criminal Court should follow our consideration of the work of the International Criminal Tribunal for the Former Yugoslavia (ICTY) and of the International Criminal Tribunal for Rwanda (ICTR). A permanent and universal criminal court seems a logical extension of ad hoc adjudication; it builds upon that experience, solidifying and advancing the legacy of international criminal law. Moreover, its ex ante jurisdiction has a powerful deterrent effect.

Croatia associates itself fully with the statement delivered by the Republic of Finland on behalf of the European Union. Without intending to paraphrase it, I would like to briefly address several points.

With the first trials to begin shortly, the Court is facing a reality check. As the ICC does not have its own enforcement capabilities, our support and cooperation, which brought it to life four years ago, is no less critical today. We, the States parties, are its missing executive arm. This responsibility has many facets and does not fall only upon countries affected by investigations. Agreements on relocation may be one example, as may agreements on the serving of sentences where widespread regional coverage is of significance, as the recent experience of the International Criminal Tribunal for the Former Yugoslavia (ICTY) suggests.

While addressing the interplay between peace and justice, some might question the impact of the ICC. However, we believe that peace and justice are not opposing categories. Justice is a prerequisite for lasting peace. Establishing individual criminal responsibility can play a critical role in the reconstruction of national identity in societies affected by conflict. We hope that these considerations will find resonance in the work of other bodies dealing with post-conflict situations, including the newly founded Peacebuilding Commission.

Although it is in the early years of its existence, the Court has already made an impact in international relations. We recognize that there is still some scepticism about its role and purpose. This may best be deflected by observing the Court in action. We believe that its activities so far have attested to its seriousness, transparency and high standards.

In conclusion, let me reaffirm our belief that the best guarantee for the success of the ICC is universal participation. We encourage those countries which have not yet become parties to join the Rome Statute.

Mr. Kruljević (Serbia): I wish to thank Judge Philippe Kirsch, the President of the International Criminal Court (ICC) for his presentation of the report of the Court (A/61/217) today. The Republic of Serbia fully aligns itself with the statement made this morning by the representative of Finland on behalf of the European Union.

The Republic of Serbia holds that the establishment of the International Criminal Court is one of the most significant events in the development of international law. It is therefore of crucial importance that the States parties to the Rome Statute demonstrate their full commitment to upholding the principles of international humanitarian law and the maintenance of world peace and security through full and unconditional cooperation with the Court and effective implementation of the provisions of its Statute.

Furthermore, we wish to call on States to continue to support universal ratification of the Rome Statute and to keep the momentum to that end. We welcome the report of the International Criminal Court as a testimony to the advance of the ongoing quest for a world based on justice and accountability. The first arrest pursuant to a warrant of the ICC, as well as active investigations and pre-trial and appeals proceedings, clearly demonstrate that the Court has evolved into a fully functional judicial institution.

We also wish to commend the intensified coordination of the Offices of the Registrar and of the Prosecutor. The first proceedings have already marked a turning point in the history of the Court. The way forward should eventually galvanize its position as a custodian of the most fundamental values that we all share and as a pillar of an international order based on the rule of law.

As much as the success of the International Criminal Court depends on the support of Member States, it still requires more extensive collaboration with the world's multilateral institutions, primarily the United Nations, an institution founded on the very same noble principles, in particular the maintenance of international peace and security. This clearly demonstrates the necessity of full implementation of the Relationship Agreement between the two institutions. With this in mind, we view the establishment of the ICC liaison office in New York as a significant step.

The Republic of Serbia, as one of the founders of the International Criminal Court and having experienced tragic developments in the Balkans, will do its utmost to respect and uphold its international obligations under the Rome Statute in order to ensure the full implementation of all legal acts of the Court in domestic legal systems. This process has been ongoing through the relevant provisions in the former Constitutional Charter and through amendments to national legislation that are fully reflected in the text of the new Constitution of Serbia.

Through their cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY), the District Court of Belgrade and its War Crimes Chamber, as well as the Office of the Prosecutor for War Crimes of that Court, have proven their professional and judicial capacity to process the most complex cases in line with prevailing international standards of justice. Furthermore, the District Court of Belgrade has expressed its readiness to contribute to the establishment of an International Criminal Court database which will compile all national judicial decisions and cases pertaining to the substance of international criminal law, namely, crimes of genocide, crimes against humanity and war crimes.

In addition to the fact that the Republic of Serbia was among the first to ratify the Rome Statute, it gives me pleasure to recall the activities that my country has undertaken in order to facilitate the work of the Court. Serbia was among the first countries to ratify the Agreement on Privileges and Immunities of the ICC. In addition, we are currently in the process of negotiating an agreement on the serving of prison terms in Serbia by persons sentenced by the ICC. Furthermore, an initiative has been launched to conclude an agreement on witness protection and relocation.

With regard to the latter initiative, I wish to point out that the parliament of Serbia recently adopted a new criminal code with provisions that fully conform to witness protection standards. Let me also point out that Serbia has been a keen supporter of the establishment of the Trust Fund for Victims and is eagerly looking forward to its operation, having already earmarked financial means in its budget for support of the Fund.

My country supports the further strengthening of the institutional capacity and activities of the International Criminal Court and will continue to do so, both as party to the Rome Statute and as a member of the Bureau of the Assembly of the States Parties, in which we are now serving our second term. At this point, let me reiterate that we believe that the only way to further the building of the ICC's institutional capacity with a view to fostering the Court's universal acceptance is to strengthen the cooperation and support of all States parties to the Rome Statute as well as of all States Members of the United Nations.

Ms. Rivero (Uruguay) (*spoke in Spanish*): I have the honour to speak on behalf of Uruguay with regard to the report (A/61/217) introduced this morning by the President of the International Criminal Court (ICC) on the activities, investigations and proceedings that the Court has carried out during this recent period.

We note with pleasure the progress which the ICC has consolidated in various areas. From the beginning, Uruguay was in favour of the establishment of the Court and became a State party to the Rome Statute in the firm conviction that it was indispensable to create an organ which would complement the action of States, thus strengthening international criminal justice.

Thus, we note with satisfaction the fact that increasingly States are grasping the importance for international law of increasing cooperation and assistance, which in turn will enable us to reaffirm the purposes and principles of the Charter and, in particular, to promote justice, which is essential for the maintenance of lasting peace.

For the same reason, we welcome the fact that the Court is dealing with cases referred to it not only by States parties to the Statute, but also by the Security Council — and even by a State that is not a party. This also demonstrates that the importance of the fight against impunity is increasingly perceived as an

indispensable step towards peaceful coexistence for humankind.

In that respect, we believe that is very important to continue activities aimed at increasing understanding and awareness regarding the functions of the Court, because this will help it to be more effective in its work. Even though cooperation with the United Nations is already a reality and is irreversible, we are very encouraged by the recent establishment of the liaison office of the Court, which will facilitate continuous follow-up of its work. We also hope that that will help to increase cooperation.

I am very proud to be able to convey good news regarding the implementation by my country of a number of the tasks that the General Assembly entrusted to States parties in resolution 60/29 of 23 November 2005. As we know, it is very important to have good intentions, but it is even more important to carry them out. Thus, in September, Uruguay adopted two laws that will enable it to comply fully with the obligations set out in the Rome Statute and to cooperate fully with the International Criminal Court.

The first of those laws endorsed the Agreement on the Privileges and Immunities of the International Criminal Court; we are sure that that will help us to assist the Court in carrying out its functions. The second measure — an initiative put forward by the senate of the Uruguayan parliament and unanimously supported by both chambers — resulted in the adoption of a law on genocide, crimes against humanity, war crimes and cooperation with the International Criminal Court. That law will enable us to implement the provisions of the Rome Statute within the framework of the Uruguayan legal system, and will also give us an opportunity at the national level to consolidate — not only de jure but also de facto — the essential principles of social coexistence with full respect for human rights, thereby helping to put an end to a painful chapter in our country's history by setting a good example for the future.

I would also like to point out that that law includes a special section — part III — governing Uruguay's cooperation and relationship with the International Criminal Court. Among other provisions, it provides for both the executive and judicial branches to request cooperation from the Court for investigations or criminal proceedings that are ongoing in our country, in accordance with article 93, paragraph 10, of the Rome Statute.

We believe that we are on the right path in terms of our compliance with commitments undertaken. In addition to providing a direct benefit for our people, we want this to make a contribution to the international community as a whole.

Mr. Sealy (Trinidad and Tobago): Trinidad and Tobago welcomes the second report (A/61/217) of the International Criminal Court (ICC), issued pursuant to the Agreement between the Court and the United Nations. Trinidad and Tobago also wishes to associate itself with the statement made by the representative of Saint Vincent and the Grenadines on behalf of the members of the Caribbean Community (CARICOM) that are States parties to the Rome Statute of the ICC.

During the past year, the ICC has demonstrated that the trust placed in it by members of the international community as a permanent penal institution in the fight against impunity and a beacon of hope for victims seeking justice against the perpetrators of crimes which shook the conscience of all mankind is not misplaced. In the relatively short period of time since the entry into force of the Rome Statute and the election of its first bench of judges, the ICC has not only commenced investigations into atrocities committed against hapless victims of crimes within its jurisdiction in the Democratic Republic of the Congo, in Uganda and in the Darfur region of the Sudan, but was also able to receive and commence proceedings against an accused person.

Trinidad and Tobago views these developments not only as important milestones in the promotion and enforcement of the rule of law, but also as important pillars in building bridges for the maintenance of international peace and security. Nevertheless, we are mindful that these developments, important as they are, were possible only because of the cooperation between the Court and the referring States, the United Nations, States parties and non-governmental organizations (NGOs).

In this regard, we note with appreciation the cooperation agreements entered into by the Court with the Government of Austria, the European Union and the International Committee of the Red Cross and those to be concluded in the near future with the African Union and the Asian-African Legal Consultative Organization. It is only through such cooperation

agreements that the Court will be able to gather evidence, provide logistical support for operations in the field, carry out the arrest and surrender of accused persons and enforce sentences. Without the successful completion of these procedural requirements, the Court will not be able to implement its mandate effectively and thereby contribute to ending impunity.

Trinidad and Tobago applauds the efforts made by the Court through its outreach programme to bring greater awareness and understanding of its work to the communities whose situations have been referred to it either by States or by the Security Council. We recognize, however, that universal adherence to the Rome Statute is an essential component in the fight against impunity wherever it may occur, and we therefore urge States parties and others to assist the Court in engaging in outreach activities aimed at promoting increased ratification of and accession to the Statute.

In this vein, Trinidad and Tobago continues to work with the NGO community and the CARICOM secretariat in promoting ratification and accession in the Caribbean region, and it welcomes the recent accession to the Statute by the Government of Saint Kitts and Nevis.

Trinidad and Tobago's commitment to the Rome Statute is long-standing. In this connection, comprehensive legislation was recently enacted at the internal level giving full domestic legal effect to the Rome Statute.

In March of this year, six judges started their terms of office for a nine-year period. This was the result of a process of transparent elections which resulted in the re-election of five judges and the election of a new female member of the Court, Professor Ekaterina Trendafilova of Bulgaria. We would also like to take this opportunity to pay tribute to Judge Neroni Slade of Samoa for his important contributions to the initial work of the Court.

We have also witnessed the establishment of the New York liaison office in an effort to assist the ICC in the area of cooperation with the United Nations. We view the establishment of that office as another opportunity for the Court to gain greater visibility in the international community as represented here in New York, which we hope will lead to its universal acceptance. The same could be said of the decision by the Assembly of States Parties to hold its resumed fifth session and its sixth session in New York in 2007.

The report of the ICC comes at a time when the international community has not been able to achieve the international peace and security and respect for international law, in particular international human rights law and international humanitarian law, contemplated by the founders of the United Nations. Despite the sometimes seemingly unattainable goal of achieving the aforementioned objectives, Trinidad and Tobago strongly believes that the ICC represents hope for all mankind.

Although the ICC is not directly involved in the prosecution of accused persons before the International Criminal Tribunal for Rwanda or before the Special Court for Sierra Leone, it is providing critical support to those tribunals. The level of support goes beyond mere cooperation in an emerging system of international criminal justice. It is, moreover, a consequence of the growing recognition of the ICC as a court that is truly special, not only because of its permanent nature as an organ to prosecute and punish those who commit crimes within its jurisdiction and to bring relief to victims through the provision of reparations and other forms of assistance, but also because of its cadre of distinguished judges, prosecutors, registrars and general staff, who continue to meet the daily challenges which bedevil this new institution, established by all of us — people of conscience who dared to declare that the perpetrators of crimes against humanity and other heinous crimes should not go unpunished.

Mr. Shinyo (Japan): I would like to thank Judge Philippe Kirsch for his in-depth report on the most recent work of the International Criminal Court (ICC) and to welcome the considerable progress that the Court has made in its investigative and judicial proceedings over the past year.

The ICC represents the culmination of the efforts of the international community after the Second World War to create a permanent international tribunal in the field of criminal justice. Japan attaches great importance to this enterprise. Japan consistently supported the establishment of the ICC, actively participating in ICC-related meetings, including the Rome Diplomatic Conference of 1998, at which the Statute creating the ICC was adopted. Although Japan has yet to accede to the Statute of the ICC, it fully

recognizes the importance of becoming a State party so that it can effectively support the Court, with a view to eradicating and preventing the most serious crimes, thereby strengthening the rule of law in the international community.

The Government of Japan is redoubling its efforts to prepare for accession to the Statute. Japan's accession will entail a substantial financial obligation in the form of an annual assessed contribution, which requires careful assessment against the backdrop of Japan's serious fiscal deficits. In this regard, we believe that the principles on which the United Nations scale of assessments is based, including the maximum assessment rate — the ceiling — should be applied to the scale for assessing contributions of States parties to the ICC. This position is based on a straightforward interpretation of the Rome Statute and other relevant rules. Without the confirmation of this interpretation, it would become almost impossible for Japan to accede to the Rome Statute, as it could not garner the necessary public support. Japan encourages the States parties to the ICC to confirm this interpretation at the next Assembly of States Parties.

Japan hopes that the ICC will continue to work diligently towards the eradication of the culture of impunity and to enhance its good reputation as the only permanent international criminal court in the world.

Mr. Kanu (Sierra Leone): Sierra Leone associates itself with the statement made by the representative of South Africa on behalf of the African States parties to the Rome Statute. However, we wish to make the following remarks from our national perspective.

The second report of the International Criminal Court to the Assembly (A/61/217) comes eight years after the adoption of the Rome Statute by a large number of States, including my country, Sierra Leone. To be precise, 102 Member States have ratified the Statute. The International Criminal Court (ICC) has come a long way since Rome. Therefore, I wish at this juncture to thank the President of the ICC, Judge Philippe Kirsch, for his report and for his leadership of the Court.

Even though the judicial phase of the Court has begun in earnest, there is still a lot of work to be done. Notwithstanding this, we thank the Prosecutor and his efficient team for a job well done under extremely difficult circumstances. In this regard, we believe that the unfettered cooperation of States, especially those in areas where investigations are ongoing, is crucial for the work of the Court. Here, regional organizations like the African Union can play a significant role in securing the cooperation of States in affected areas. Such cooperation will enhance the capacity of the Court to bring to justice the perpetrators of heinous crimes that prick the conscience of humanity. We wish to thank the African Union for the cooperation and assistance that it has afforded the Court.

There is a need for continued effective collaboration between the United Nations and the Court. The United Nations is a universal Organization. The cooperation and support of the United Nations is crucial if the International Criminal Court is to fully become an effective international criminal justice institution. There is a great need for the universal ratification of the Statute. We therefore call on all of our friends who have not yet signed or ratified the Statute to do so as soon a possible.

We can see that the Court, under the leadership of President Kirsch, has a vision of where it intends to be in the future for the benefit of humanity. However, it is sad to note that the Court still has detractors. We hope and trust that the signs of a change of attitude towards the Court that we are now witnessing will ultimately lead to universal or near-universal participation in the Statute.

I wish at this juncture to reiterate some comments that we as African member States made in the debate on this item last year when considering the strategic vision of the Court.

First, we want to see evidence that the Court is adopting a resource-based, rather than a demand-based, strategy. We would like the Court to address this concern. Secondly, we expressed the view that justice must not only be done but must be seen to be done. We have a preference for holding hearings in the region — and, as far as practicable, in the country — where the crimes are committed. The Special Court for Sierra Leone is an eloquent example of this. In this regard, we welcome the statement that the Court will, where possible, try to conduct trials in the countries or regions where the crimes are committed. This is very gratifying.

Since I am talking about the Special Court for Sierra Leone during this debate on the report of the International Criminal Court, permit me to digress

further and appeal to this Assembly on behalf of the Special Court. The Special Court is now in a critical phase of its operation — the Charles Taylor trial will start next year — but needs funds. I would therefore like to take advantage of this rostrum to appeal to the international community to handsomely support the Special Court for Sierra Leone. The success of the Court is crucial for the consolidation of the peace process in Sierra Leone. We would like to thank the Court and its President for their cooperation with and assistance to the Special Court for Sierra Leone. This cooperation and support is very important for regional stability.

Returning to the ICC, my delegation urges the Prosecutor to aggressively pursue those who have been indicted. Earlier, one speaker referred to the situation in Uganda.

Moreover, the States in which perpetrators are hiding must demonstrate their political will and commitment by transferring them to the Court. In that regard, we welcome the work that the Court has done on outreach. We urge the Court to undertake an extensive outreach programme purposefully geared towards explaining what the ICC is about, what it is seeking to achieve and the crimes that are within its jurisdiction. It must be amply demonstrated that the Court is truly international and that it does not belong to any particular region or people.

In conclusion, let me once again call on all States to assist the Court, because its ability to fulfil its mandate depends heavily on such assistance. In addition, the Trust Fund for Victims has become virtually operational. The international community must demonstrate its commitment to victims by making financial contributions to the Trust Fund. The ICC is the first international tribunal to give recognition to the victims of heinous crimes, and the Trust Fund is a practical way to demonstrate that recognition. I say with regret that the Special Court did not see fit to do the same.

I should like to conclude by saying that there is no peace without justice; the International Criminal Court is a symbol of that maxim.

Mr. Mukongo Ngay (Democratic Republic of the Congo) (*spoke in French*): At the outset, I should like to confirm my delegation's support for the statement made earlier by the representative of South Africa on behalf of the States parties to the Rome Statute belonging to the Group of African States.

Notwithstanding the possible success of the elections now under way in my country, the challenge of normalizing democracy in the Democratic Republic of the Congo will remain only a cherished dream if the transition from war to peace and democracy does not include the components of administering justice and combating impunity. To build and maintain a lasting peace, the Democratic Republic of the Congo must make progress in re-establishing the rule of law, which requires good administration of justice to truly curb impunity. That is one of the reasons why, from this rostrum, I wish to reaffirm my country's commitment to the International Criminal Court (ICC).

In that connection, on behalf of my delegation and on my own account, I should like to congratulate Mr. Philippe Kirsch, President of the Court, on the Court's second annual report to the United Nations (A/61/217), which is just as comprehensive and enlightening as the first. The Court can be assured of my delegation's full cooperation in its relations with my country.

While very recently we were still welcoming the Prosecutor's opening of the first investigations and the unsealing of the first international arrest warrants, the Court is now in the process of beginning its first trial with the arrest and transfer to the Court of Mr. Thomas Lubanga. That proves that the dream of international criminal justice has become a reality and that the Court is resolutely engaged in the fight against impunity for the most serious crimes, which have shocked the collective conscience of humanity for so long.

The war in my country has bred enormous prejudice against the very people who have paid a heavy price. In that context, aiding the victims — as previously emphasized by the Secretary-General in his report on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616) — also requires well-designed compensation programmes, which guarantee that justice is interested not only in the guilty, but also in those men and women who have suffered at their hands.

That issue is of most interest to the victims, who hope to obtain through the Court the necessary reparations, restitution of their property and substantial compensation for the losses they have suffered, particularly because it has been established that the

Court can set the amount of reparations — even if the victims have not specifically requested it to do so — when it determines that they are not in a position to do that themselves.

My delegation believes that, in addition to all the initiatives it has already undertaken, the Court will be able to play its full role only if it can meet the expectations of devastated people in faraway regions of the world who are clamouring for justice. Seen from that perspective, the expectations of the Congolese people are certainly high. However, we should note that they are aware of the limits of the Court's action, particularly because of the application of the principle of complementarity and because of the average length of an investigation, which varies from six months to three years, while a trial can last a year.

Last year, from this rostrum, my delegation called the Court's attention to the need to objectively inform people in situation countries and to educate them about the basic rules of the ICC Statute and Rules of Procedure and Evidence through public campaigns and through seminars and other professional forums. Sound knowledge of the rights to which they are entitled will enable them to make appropriate claims.

My delegation is pleased to learn that the Court has already held workshops and seminars in the Democratic Republic of the Congo for specialized audiences such as judicial authorities, attorneys, members of non-governmental organizations and journalists. We also welcome the Court's awareness-raising activities in the field regarding victims' participation in its procedures and the reparations to which they are entitled. My delegation would like to strongly encourage the continuation of those activities. We call for a closer relationship between the international criminal justice system and those under its jurisdiction, particularly through the holding of on-site hearings in those regions of the world that have experienced the horrors of crimes within its purview.

Since it has been established that the ICC cannot replace national justice systems, recourse to the competence of national courts will remain the rule, given the principle of complementarity. That is why the instruments of ratification of the Agreement on the Privileges and Immunities of the International Criminal Court, recently authorized by the Congolese parliament, will be deposited with the Secretary-General. Draft legislation implementing the Rome Statute has already been submitted for the consideration of parliament, where its adoption will be a priority on the agenda of that national institution.

I should like to take this opportunity to recall my delegation's interest in the discussions of the Special Working Group on the Crime of Aggression, whose conclusions will serve to supplement the provisions of the ICC Statute. The Statute provides that the Court will exercise competence regarding the crime of aggression when a provision has been adopted under articles 121 and 123. Such a provision will define the crime of aggression and set the conditions for exercise of the Court's competence in that regard.

Finally, I wish to reaffirm the will of my delegation to respect the integrity of the Court's Statute. I invite delegations that have not yet done so to join the mechanism of the International Criminal Court, which ensures the universality of the fight against impunity.

The Acting President: We have heard the last speaker in the debate on this agenda item. The General Assembly has thus concluded this stage of its consideration of agenda item 74.

The meeting rose at 5.30 p.m.